

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOSEPH JOHNSON, JR., KEVIN
JOHNSON, MICHAEL JOHNSON, and
ZADEKIAH JOHNSON, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

AMANDA JOHNSON,

Respondent-Appellant,

and

JOSEPH JOHNSON,

Respondent.

UNPUBLISHED

October 9, 2007

No. 276641

Muskegon Circuit Court

Family Division

LC No. 05-034591-NA

Before: Jansen, P.J., and Fitzgerald and Markey, JJ.

PER CURIAM.

Respondent Amanda Johnson appeals as of right the order terminating her parental rights to the minor children, Joseph, Jr. (dob: 04/05/00), Kevin (dob: 08/23/01), Michael (dob: 12/17/02), and Zadekiah (dob: 11/13/04), pursuant to MCL 712A.19b(3)(c)(i) and (g). We affirm.¹

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence. *In re BZ*, 264 Mich App 286, 296; 690 NW2d 505 (2004). Once the lower court determines that a statutory ground for termination has been established, it “shall order termination of parental rights . . . unless the court finds that termination of parental rights to the child is clearly not in the child's

¹ The parental rights of the father were not terminated. Thus, this appeal involves only the termination of the mother's parental rights.

best interests.” MCL 712A.19b(5). See also *In re Trejo*, 462 Mich 341, 352-354; 612 NW2d 407 (2000). We review a decision terminating parental rights for clear error. MCR 3.977(J); *Trejo*, *supra* at 356. We “review for clear error both the court's decision that a ground for termination has been proven by clear and convincing evidence and . . . the court's decision regarding the child's best interest.” *Trejo*, *supra* at 356-357.

The trial court did not err in finding that the statutory grounds required under MCL 712A.19b(3)(c)(i) and (g) were established by clear and convincing evidence. To terminate parental rights under subsection (c)(i), the court must find that the conditions that led to adjudication continue to exist and will not be improved within a reasonable time.

The conditions that led to the December 2005 adjudication included environmental neglect, particularly the filthy condition of the home and lack of adequate nutrition for the children. These conditions existed despite the fact that respondent received many services through the Department of Human Services for two years before the filing of the petition in December 2005.

After the adjudication, the children were initially made in-home wards and services were provided to respondent to prevent removal of the children from the home. Respondent received a parent mentor and participated in the Family Preservation Program through Catholic Social Services. In March 2006 the children were removed from the home as a result of the same conditions that led to the adjudication. Particularly, between December 2005 and March 2006 the children missed a large amount of school, were inappropriately dressed, lacked nutrition, and continued to have poor hygiene.

After the children were removed from the home, respondent received marriage counseling, individual therapy, parenting skills classes, parent aide services, and Supported Community Living services. Despite these services, the environment in the home improved only slightly, and generally only when a parent aide assisted respondent in performing tasks. No improvement in respondent's ability to improve and maintain a suitable environment was observed. The trial court did not clearly err in terminating respondent's parental rights under MCL 712A.19b(3)(c)(i).

Further, under MCL 712A.19b(3)(g), the trial court must be presented with clear and convincing evidence establishing two elements: (1) that parent failed to provide proper care or custody for her children and (2) that there is no reasonable expectation that parent will be able to provide proper care or custody within a reasonable time.

A psychological evaluation of respondent revealed that she is moderately mentally retarded, with an IQ of 46. The psychological report stated that respondent's “lack of intelligence, lack of interpersonal skills, low ego strength, poor frustration tolerance, difficulty adapting to new situations, and her inability to generalize what she learns to new situations will make counseling a slow process and the prognosis is poor.” The report indicated that one and a half to two years of counseling would be required before respondent could make any significant progress. Additionally, evidence was presented that the children are severely developmentally delayed from an emotional standpoint as a result, at least in part, of environmental neglect and have significant special needs that respondent is unable to meet. Indeed, respondent notes in her brief on appeal that “All of the evidence [shows] that [respondent] is unable to change her

parenting style any time soon.” Respondent also states that “Given all of her limitations, she saw that she is ‘ . . . lacking everything.” Given the myriad of services provided to respondent in the two years before her children became wards, and in the year following the court's intervention, the trial court was presented with clear and convincing evidence to support a finding that respondent would be unable to provide proper care and custody within a reasonable time. Accordingly, the trial court did not err in terminating respondent's parental rights under MCL 712A.19b(3)(g).

Once a statutory ground for termination is established by clear and convincing evidence, the trial court must terminate parental rights unless termination clearly is not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 353. The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. Testimony was presented that the bond between the respondent and the children was minimal at best, that the home environment remained unsatisfactory, and that the children have significant special needs that respondent is clearly unable to meet.

Affirmed.

/s/ Kathleen Jansen
/s/ E. Thomas Fitzgerald
/s/ Jane E. Markey